

**TESTIMONY IN SUPPORT OF RAISED BILL
No. 5590 - AN ACT ESTABLISHING A PILOT PROGRAM FOR THE
MEDIATION OF CONDOMINIUM-RELATED DISPUTES**

MARCH 24, 2014

Good afternoon Senator Coleman, Representative Fox, Senator Doyle, Representative Ritter, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee. Thank you for the opportunity to provide testimony on behalf of Imagineers, LLC ("Imagineers").

I am Karl Kuegler, Jr. of Imagineers, LLC where I serve as the Director of Property Management for our common interest community management division. From our offices located in Hartford and Seymour, we serve about 188 Connecticut common interest communities comprising about 17,500 homes. Imagineers is registered with the Department of Consumer Protection as a Community Association Manager holding registration number 0001 and has been serving Connecticut common interest communities for 33 years. I have over 24 years of experience in common interest community management and hold a Certified Manager of Community Associations designation from the National Board of Certification for Community Association Managers. Imagineers is a member of the Connecticut Chapter of Community Associations Institute. I serve on the organization's Legislative Action Committee as its vice chair and chair the organization's annual state educational conference.

Imagineers believes that this bill would create an opportunity to resolve differences between individual members of a community and between a member of a community and their association. Although the vast majority of differences are able to be resolved through open dialog, through mechanisms in place in the current laws and through provisions in associations' governing documents, there are some matters that need the assistance of an impartial mediator. By ensuring that the mediator is knowledgeable in the governing documents of common interest communities and the common interest ownership act, there will be a greater opportunity for success and consistency. The requirement for each part to pay a fee to participate helps ensure that each party will be committed to the process and will have tried to exhaust other means of resolving the issue before entering the mediation program. The fee and the volunteer service of the attorneys designated as special masters reduce the fiscal impact on the State in administering the program. By initiating the process as a pilot program, an evaluation can be made at the conclusion as to the program's effectiveness and to objectively consider steps that can be taken to refine and improve the program.

We would ask that the General Assembly consider revising the bill to address the following concerns:

- o The program should also apply to interpretations regarding the declaration of a community. Section 1, (b) of the bill references disputes concerning the interpretation of the bylaws, rules or regulations but excludes this important governing document which carries the greatest authority and many times is a subject of a dispute.

- The program should include not just attorneys experienced in condominium law but also other forms of common interest communities not limited to cooperatives and planned unit communities.
- Changes made to the Common Interest Ownership Act in 2009 put in place procedures that need to be followed in order for a board to make a decision. The steps necessary may require greater than the 30 day window of time afforded for a board to determine if it would like to participate in the program. By extending the time to 60 days, an opportunity exists for boards to properly consider and decide whether to participate.

For the reasons stated above, we are in support of Raised Bill No. 5590 - An Act Establishing A Pilot Program For The Mediation Of Condominium-Related Disputes